



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

May 19, 1998

Mr. John Steiner  
Division Chief  
Law Department  
City of Austin  
P.O. Box 1546  
Austin, Texas 78767-1546

OR98-1254

Dear Mr. Steiner:

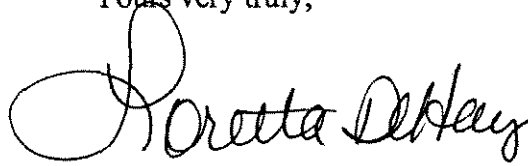
You ask this office to reconsider our ruling in Open Records Letter No. 98-0706 (1998). Your request for reconsideration was assigned ID# 115824.

The City of Austin Police Department (the "city") received a request for copies of all training materials the Austin Police Department uses to train officers on how to conduct DWI investigations and arrests. In Open Records Letter No. 98-0706 (1998), this office concluded that the city could not withhold the requested information under section 552.108, in part because you had not marked specific provisions to be withheld, and it was not clear to this office how release of the information would interfere with the detection, investigation, or prosecution of crime.

In your request for reconsideration, you explain that the city in fact, released some of the requested information, and submitted to this office for review only the specific information you contend may be withheld under section 552.108 of the Government Code. Furthermore, you argue that the justification for our ruling in Open Records Letter No. 97-1866 (1997), is substantially similar to the arguments you make for withholding the information in response to this request, *i.e.*, that release of the information would "unduly interfere with law enforcement by making it easier for DWI suspects to evade detection and arrest." Thus, although you agree with our assertion that the scope of the law enforcement exception was changed in the last legislative session, you argue that the basis for withholding the information in response to the previous request is now codified as section 552.108(b)(1). You argue that your previous arguments, which we relied on in Open Records Letter No. 97-1866 (1997), should be sufficient to withhold the same information under the amended exception.

We have carefully reviewed your original arguments as well as your explanation regarding the similarities in the rationale relied upon in our previous ruling and your arguments for withholding the information in the subsequent request for a ruling. We agree that your statements that release of the portions of the DWI manual which you wish to withhold would interfere with the investigation, detection, or prosecution of crime. Open Records Letter No. 98-0706 (1998) is overruled to the extent it conflicts with this ruling. If you have any questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Loretta DeHay". The signature is fluid and cursive, with a large loop at the beginning and a trailing flourish at the end.

Loretta R. DeHay  
Deputy Chief  
Open Records Division

LRD/rho

Ref.: ID# 115824

cc: Mr. Scott C. Smith  
Attorney at Law  
1304 Nueces  
Austin, Texas 78701